

2021 -- S 0340

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LC000304
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS -
INTERNET PRIVACY AND SECURITY

Introduced By: Senators DiPalma, Murray, Sosnowski, Kallman, Seveney, Morgan,
Euer, and Burke

Date Introduced: February 25, 2021

Referred To: Senate Commerce

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 6 of the General Laws entitled "COMMERCIAL LAW - GENERAL
2 REGULATORY PROVISIONS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 58

4 INTERNET PRIVACY AND SECURITY

5 **6-58-1. Short title.**

6 This chapter shall be known and may be cited as the "Internet Privacy and Security Act."

7 **6-58-2. Definitions.**

8 For purposes of this chapter, the following terms have the following meanings:

9 (1) "Authentication" means a method of verifying the authority of a user, process, or device
10 to access resources in an information system.

11 (2) "Connected device" means any device, or other physical object that is capable of
12 connecting to the Internet, directly or indirectly, and that is assigned an Internet Protocol address
13 or Bluetooth address.

14 (3) "Manufacturer" means the person who manufactures, or contracts with another person
15 to manufacture on the person's behalf, connected devices that are sold or offered for sale in Rhode
16 Island. For the purposes of this subsection, a contract with another person to manufacture on the
17 person's behalf does not include a contract only to purchase a connected device, or only to purchase
18 and brand a connected device.

1 (4) "Security feature" means a feature of a device designed to provide security for that
2 device.

3 (5) "Unauthorized access, destruction, use, modification, or disclosure" means access,
4 destruction, use, modification, or disclosure that is not authorized by the consumer.

5 **6-58-3. Manufacturers of connected devices.**

6 (a) A manufacturer of a connected device for sale or installation in this state, shall equip
7 the device with a reasonable security feature or features that are all of the following:

8 (1) Appropriate to the nature and function of the device;

9 (2) Appropriate to the information it may collect, contain, or transmit; and

10 (3) Designed to protect the device and any information contained therein from
11 unauthorized access, destruction, use, modification, or disclosure.

12 (b) Subject to all of the requirements of subsection (a) of this section, if a connected device
13 is equipped with a means for authentication outside a local area network, it shall be deemed a
14 reasonable security feature under subsection (a) of this section if either of the following
15 requirements are met:

16 (1) The preprogrammed password is unique to each device manufactured; or

17 (2) The device contains a security feature that requires a user to generate a new means of
18 authentication before access is granted to the device for the first time.

19 **6-58-4. Non-applications.**

20 (a) This chapter shall not be construed to:

21 (1) Impose any duty upon the manufacturer of a connected device related to unaffiliated
22 third-party software or applications that a user chooses to add to a connected device;

23 (2) Impose any duty upon a provider of an electronic store, gateway, marketplace, or other
24 means of purchasing or downloading software or applications, to review or enforce compliance
25 with this chapter;

26 (3) Impose any duty upon the manufacturer of a connected device to prevent a user from
27 having full control over a connected device, including the ability to modify the software or firmware
28 running on the device at the user's discretion; or

29 (4) Provide a basis for a private right of action. The attorney general shall have the
30 exclusive authority to enforce the provisions of this chapter.

31 (b) This chapter shall not apply to any connected device the functionality of which is
32 subject to security requirements under federal law, regulations, or guidance promulgated by a
33 federal agency pursuant to its regulatory enforcement authority.

34 (c) The duties and obligations imposed by this chapter are cumulative with any other duties

1 or obligations imposed under other law, and shall not be construed to relieve any party from any
2 duties or obligations imposed under other law.

3 (g) This chapter shall not be construed to limit the authority of a law enforcement agency
4 to obtain connected device information from a manufacturer as authorized by law or pursuant to an
5 order of a court of competent jurisdiction.

6 (h) A covered entity, provider of health care, business associate, health care service plan,
7 contractor, employer, or any other person subject to the federal Health Insurance Portability and
8 Accountability Act of 1996 (HIPAA) (Pub. L. 104-191) or § 5-37.3-4 shall not be subject to this
9 chapter with respect to any activity regulated by those acts.

10 SECTION 2. This act shall take effect on January 1, 2022.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS -
INTERNET PRIVACY AND SECURITY

- 1 This act would establish that manufacturers of devices capable of connecting to the Internet
- 2 equip the devices with reasonable security features.
- 3 This act would take effect on January 1, 2022.

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